

REMARKS

I. Introduction

In response to the Office Action dated December 30, 2008, Applicants have rewritten claims 2, 11 and 14 in independent format and cancelled claim 1, without prejudice. No new matter has been added.

As an initial matter, the Office Action Summary and on page 2, line 2 of section 1 errantly states that claims 5, 6 and 36-50 are withdrawn. The Office Action should correctly state that claims 5, 6 and 37-50 are withdrawn. In addition, the Office Action also errantly fails to state that claims 21 and 23 are rejected in the headings of sections 3 (page 2) and 4 (page 9). However, the rejections of the claims are discussed in the body of each section. Applicants respectfully request clarification in the next response.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of Claims 1-4 and 7-36 Under 35 U.S.C. § 103

Claims 1-4, 7-16, 20, 21 and 24-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lyman (USP No. 5,567,544) in view of Dudley et al. (US 2002/0197535); claims 17-19 and 23 as being unpatentable over Lyman in view of Dudley and further in view of Kim (US 2003/0198867); and claim 22 as being unpatentable over Lyman in view of Dudley and Kim and further in view of Ching Jr. et al. (USP No. 5,599,641). Applicants respectfully traverse these rejections of the pending claims for at least the following reasons.

With regard to newly independent claims 2, 11 and 14, each claim recites a first and second current collector sheet each having a first and second electrode mixture thereon, respectfully.

It is alleged that Lyman teaches a conductive sheet 58 having an insulating area 52, wherein the insulating area 52 faces the upper and lower faceplates 54, 56 (see, Fig. 5 of Lyman). However, as is clear from Fig. 5, the conductive sheet 58 does not have a first and second electrode mixture thereon.

Applicants would point out in the Office Action, the Examiner utilizes two elements of Lyman to represent the current collector sheets. In the rejection of claim 1, the Examiner uses the nickel current collector 28, 34 shown in Fig. 2 of Lyman, which admittedly fails to have an insulating area. Furthermore, these current collectors do not face the upper and lower faceplates 54, 56. However, in the rejection of claims 2, 11 and 14, it is alleged that the current collector is the conductive sheet 58, shown in Fig. 5, which supposedly has an insulating layer 52. Yet, this conductive sheet 58 is not a first and second current collector sheet, nor is it indicated that they have a first and second electrode mixture thereon, respectfully. Thus, the characteristics of the conductive sheet 58 do not satisfy the limitations of claim 1, specifically, a first and second current collector sheet having a first and second electrode mixture thereon, respectfully, and the current collectors 28 and 34 do not have the characteristics of conductive sheet 58, that of having a conductive area and an insulating area. As such, Lyman does not disclose this limitation of claims 2, 11 and 14.

Furthermore, as is clear from Fig. 5, the insulating layer 52 is not a part of the current collector 58, but a different part altogether. Furthermore, the "layer" is more of a grid, with the

upper faceplate/cells 46 fitted within the square gaps of the layer 52. Thus, not only does the conductive sheet 58 of Lyman not read upon the current collector sheet of claims 2, 11 and 14, but the conductive sheet 58 also fails to have an insulating area. As such, Lyman does not disclose all of the limitations of claims 2, 11 and 14.

A similar argument can be used with regard to claims 4, 9, 10, 12, 16-22 and 24-36, where the Examiner is improperly substituting the conductive sheet 58 for the current collector 28, 34. As such, Lyman does not disclose all of the limitations of these claims. Moreover, Dudley is not relied upon, and does not remedy these deficiencies.

Furthermore, with regard to claims 7 and 8, the Office Action states “the pins (terminals) 180 are buried in the cathode and anode” (see, Fig. 12 of Lyman). This misstates claims 7 and 8, which clearly state that the first and second edges are buried in the second and first terminals, respectfully.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. As is clearly shown, Lyman and Dudley do not disclose a first and second current collector sheet each having a first and second electrode mixture thereon, or that the first and second current collectors have a conductive area and an insulating area. Accordingly, Applicants submit that Lyman and Dudley do not render claims 2, 11 and 14 of the present disclosure obvious and as such, claims 2, 11 and 14 are patentable and allowable over the cited prior art. Accordingly, Applicants respectfully request that the § 103(a) rejection of claims 2, 11 and 14 be withdrawn.

**III. All Dependent Claims Are Allowable Because The
Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 2, 11 and 14 are patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance. As such, Applicants respectfully request that the § 103 rejection of claims 2-5, 7-8 and 10-16 be withdrawn.


IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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